

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **BREATHING ASSISTANCE APPARATUS**  
the specification of which

(check one) ☒ is attached hereto.  
☐ was filed on 8 October 2004 as Application Serial No. PCT/NZ2004/000246  
and amended on April 10, 2006.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s)****Priority Claimed**

<u>528800</u> (Number) No	<u>New Zealand</u>	<u>8 October 2003</u> (Country)	<input checked="" type="checkbox"/> <input type="checkbox"/> (Day/Month/Year Filed)	Yes
<u>                    </u> (Number) No	<u>                    </u>	<u>                    </u> (Country)	<u>                    </u> (Day/Month/Year Filed)	<input type="checkbox"/> Yes

**Prior Provisional Application(s)**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

<u>                                    </u> (Application Number)	<u>                                    </u> (Filing Date)
<u>                                    </u> (Application Number)	<u>                                    </u> (Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below; insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

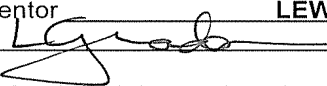
<u>                                    </u> (Application Serial No.)	<u>                                    </u> (Filing Date)	<u>                                    </u> (Status: patented, pending, abandoned)
<u>                                    </u> (Application Serial No.)	<u>                                    </u> (Filing Date)	<u>                                    </u> (Status: patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Richard A. Giangiorgi, Reg. 24,284; Raiford A. Blackstone, Jr., Reg. 25,156; David J. Marr, Reg. 32,915; Linda L. Palomar, Reg. 37,903; James R. Foley, Reg. 39,979; James A. O'Malley, Reg. 45,952; Timothy M. McCarthy, Reg. 42,855; and Paige A. Kitzinger, Reg. 45,219.

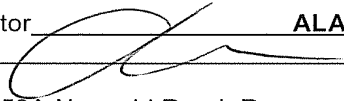
SEND CORRESPONDENCE TO: **TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.**  
105 W. ADAMS STREET, CHICAGO, IL 60603

DIRECT TELEPHONE CALLS TO: (312) 704-1890 **Raiford A. Blackstone, Esq.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

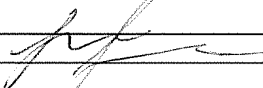
Full name of first or sole inventor **LEWIS GEORGE GRADON**  
Inventor's signature  Date 8/5/06  
Residence 22 Brailsford Court, Howick, Auckland, New Zealand  
Citizenship New Zealand  
Post Office Address Same

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Full name of second inventor **ALASTAIR EDWIN McAULEY**  
Inventor's signature  Date 8/5/06  
Residence 58A Ngapuhi Road, Remuera, Auckland, New Zealand  
Citizenship New Zealand  
Post Office Address Same

(Supply similar information and signature for second and subsequent joint inventors.)

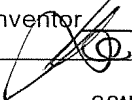
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Full name of third inventor **TERESA ANNE JOE**  
Inventor's signature  Date 15/06/2006  
Residence 1 Branksome Drive, Filton, Bristol BS34 7EG, United Kingdom  
Citizenship New Zealand  
Post Office Address Same

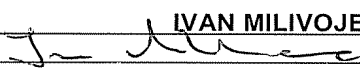
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of third inventor **NEIL GLEN DAVIES**  
Inventor's signature  Date 8/5/06  
Residence 22A Browns Avenue, Pakuranga, Auckland, New Zealand  
Citizenship New Zealand  
Post Office Address Same

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Full name of fourth inventor TRACEY CAROLYN WINSTONE  
Inventor's signature  Date 8/5/06  
Residence 38 Riddell Road, Glendowie, Auckland, New Zealand  
Citizenship New Zealand  
Post Office Address Same

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of fifth inventor IVAN MILIVOJEVIC  
Inventor's signature  Date 9/6/2006  
Residence 28 Gloucester Court, Golders Green Road, Golders Green, London NW11 9AE, UK  
Citizenship New Zealand  
Post Office Address Same